

## THE EIGHT HOUR LAW AGAIN.

What is and What Might Have Been Its Present Status as Explained By Alfred Chartz.

Editor Appeal: In your item of December 3d, you have represented what I told you quite fairly, but not fully. I consider the question of sufficient interest to explain more fully: I petitioned the Supreme Court of the United States for a writ of review in the case of the State of Nevada vs. Peter Kair, accused and convicted of having worked two hours too long in one day. He was convicted of this awful crime before Justice of the Peace Damon, of Dayton Township. I attempted to have him released on writ of habeas corpus sued out of the Supreme Court of the State of Nevada, and he was remanded to the care of the Sheriff to either pay \$100 fine or spend 50 days in jail. I petitioned for a re-hearing, and the petition was granted, and re-argued the case, and he was again remanded. I then petitioned the Supreme Court of the United States for a writ of review. Under the rules the said petition was handed to Judge McKenna, from the Ninth Judicial Circuit, and he refused to grant the writ. So, it is a closed incident. The Eight-Hour law is here to stay until modified or changed by the Legislature of the State of Nevada.

In my petition for writ of review to the Supreme Court of the United States, I hoped to prevail upon the ground that I made proof that employment in gold milling plants and cyanide plants was an ordinarily healthy employment, and a very desirable employment, and I challenge any one to refute the fact. There is no disease known that is contracted peculiar to the employment. The early cases decided by the Supreme Courts of different states and affirmed by the Supreme Court of the United States, had failed to show that employment in mills and cyanide plants was an ordinarily healthy employment, and eminent law writers deplored the fact that the attorneys had failed to offer such proof, and I conceived the idea that if I made such proof that I would prevail. Other attorneys from different states conceived the same idea, and gave bunched into the U. S. Supreme Court at about the same time. However, by the time I got there the Court had clearly decided the question that an eight-hour law was a constitutional health regulation, and not a labor law, or a political law, and if it was a labor law and not within the province of a health regulation, then it remained for the Legislature of the several states to remedy their own wrongs.

We all know that in Nevada the eight-hour law is a labor law and not a health regulation. True, to limit hours of labor in deep mines is a health regulation, but the Legislature had no right to associate with it healthy employments. However, that question is settled, and like a bull from the Pope it is inflexible until reversed or changed.

It is quite clear from the decisions that the fault lay in the first case taken up to the Supreme Court of the United States, being the case of Holden v. Hardy, from Utah. In that case no proof whatever was offered showing that employment in gold quartz mills and cyanide plants was an ordinarily healthy employment, and the U. S. Supreme Court by a bare majority said they could not say anything against the judgment of the Legislature of the State of Utah declaring that such employment was unhealthy. So, we are now governed in our conduct with reference to our rights to dispose of our labor as we please upon a lie, i. e., upon the prima facie proof that employment in mills and cyanide plants is unhealthy, while we all know that it is an ordinarily healthy employment, and much more desirable than work upon a farm.

I still insist that said law was born of politics and for politics, but it is now the law and must be obeyed, and the best way to get rid of it is to enforce it. I predict right now that the laboring man will soon rue the day he voted for it, and deprived himself of his liberty to dispose of his labor (which is his property) as he pleases.

With reference to my pay, I say that I have labored without "fear of reward or hope of punishment." I have been most severely punished. I have been cited for contempt of Court in connection with this case. It is just like disbaring me from practice before said Court, because no one will employ any attorney who may be in "favor with the Court." I hope and eternally pray that the public judgment is wrong in this particular, and hope and pray that nothing but the law and the facts of each case govern our supreme tribunal. I further

hope and pray that the sycophants of the bar will take heed that nothing but the law and the facts of each and every case will be considered by our supreme tribunal, before whom we lay our final earthly contentions for final adjudication of our rights.

Vive Roosevelt, vive Jerome, vive La Follette, vive Fox, long live every person who labors without hope of reward or fear of punishment, but solely for the good they may accomplish.

ALFRED CHARTZ.

## TONIGHTS PLAY.

Catchy Songs, Lively Dances and Pretty Girls.

The "Sultans Wives" and the "Girl From Manilla" two sparkling burlesques arranged and staged under the personal direction of Mr. John Greaves the well known New York Manager and producer of everything that is good in burlesque, are the name of the two burlesques which the Parisian Belles are offering at the Opera House tonight. This organization will introduce many catchy musical numbers and the display of some elaborate costumes by the chorus which numbers some twenty young ladies. The olio contains many high class vaudeville acts. The Parisian Belles appear at the opera house tonight.

## Wants a Divorce.

RENO, Dec. 5.—Mrs. William Ellis Corey, wife of the President of the United States Steel Corporation, is in Reno at the home of her sister-in-law.

It is said that the couple will be divorced and that Corey will marry Mabel Gilman, the actress.

## Recital Next Week.

Miss Edith Howe will give one of her popular recitals Saturday evening December 9th. She has several attractions that are entirely new of which further particulars will be given later.

Just received at Meyers Merc. Co., a car of choice Oregon Apples, choice varieties.

The DeLamar Lodge reports all kinds of wild game plentiful along the Virgin and Muddy River bottoms in Lincoln county.

Fifty tons of copper ore averaging over 17 per cent was shipped from the Douglas mine in Lyon county to Salt Lake last week.

Lorena, Masonic district, Mono county, California, is now a city or tents, but the construction of more substantial buildings is in progress.

The George Ernst ranch on Old river, comprising 1000 acres, 400 of which are growing alfalfa and 500 acres heavily timbered has been sold to Dr. Heppner and C. H. Kramer.

Prospecting outfits are leaving Bullfrog and Rhyolite daily for the Funeral and Panamint mountain ranges. The temperature in those ranges at this season is about the average of that in this region in midsummer.

## IN THE SUPREME COURT.

Osuna Rape Case Argued on Habeas Corpus Proceedings.

Yesterday the Supreme Court was occupied with the argument on the Osuna rape case, the attorneys for the defendant asking for letters of habeas corpus and a release of the defendant on grounds that he was illegally held in confinement.

Osuna, as will be remembered, was arrested, charged and held to answer on a charge of rape committed on Harriet Averill, a child about 15 years of age at Hawthorne, Nevada, on or about the 5th of October. According to the complaining witness, Osuna tied the child's arms and wrists, gagged and throttled her, and then accomplished his fiendish purpose.

The accused who is represented by F. P. Kelley, a San Francisco attorney and Wm. Woodburn, contend that all of the evidence adduced at the preliminary hearing is illegal, the same being hearsay evidence and further raising the point that the accused should have been confronted with the plaintiff in person, instead of her charge in writing, and that, there being no evidence of a legal nature against Osuna, he should be discharged.

General Sweeney, who appears on behalf of the State in the Supreme Court, takes the position among other points raised by him, that the evidence adduced is a part of the res gestae and therefore not subject to the objection of being hearsay, and is therefore admissible and legally sufficient to have warranted the committing magistrate in binding the defendant over to the grand jury.

Great interest is manifested in the outcome of the suit because as heretofore stated in this paper, should the defendant be held by the Supreme Court to answer and be found guilty, the death penalty could be adjudged. It was only in our last legislature that the death penalty was prescribed as a punishment for the crime of rape, the same being generally believed to have been influenced by the atrocious attempt of rape on Mrs. Harper of Reno, by the negro Webber, whose only punishment the law authorized was imprisonment for a short number of years.

## Liberal Offer.

I beg to advise my patrons that the price of disc records (either Victor or Columbia), to take effect immediately, will be as follows until further notice:

Ten inch disks formerly 70 cents will be sold for 60 cents.

Seven inch records formerly 50c. now 35c. Take advantage of this offer.

C. W. FRIEND.

Choice musical numbers, catchy songs, lively dances, pretty girls and good wholesome comedy are the features of the Parisian Belles to be offered at the opera house tonight.

Congressman Van Duzer has introduced a bill to open the Carson Mnt.

## BODIE FREIGHT.

Big Teams Continue to Pass Through This City.

The talk of the Bodie teams going via Wabuska seems to be more talk than reality. During the past few days the Caine teams arrived in this city and were loaded to their capacity with material for Bodie, Aurora and other south points. In fact the two teams of Caine were the finest seen in this city for some time. The wagons have been remodeled from the old D. W. Earl outfit and the names are still to be seen on the freighters, and they looked pretty good to the old timers who were used to seeing the old firm pass through this city with many a valuable load for Bodie and other camps.

Other teams are in and out with freight of every description. Even the heavy roads and snow have not kept them off the roads. The teamsters state they find it better traveling over the old road than any that can be found and if Carson and the Valley folks only pull together her there will be plenty of teaming from this section. Do as the Mason Valley people threaten to do, "fix the roads" and you will find that the teams will continue to follow the well beaten path that they all know and will take no chances on any other route.

## ORDERED THE DESKS.

School Board Places Order for Furnishing New School House.

At a meeting of the School Board held Monday an order was placed for 360 new desks for the school building. The board placed a bid for the furnishing of the building and the result was that a combination of desk furnishers formed a combine and thus sought to "do" the county out of a little cash. Mr. Meder and the other members of the Board discovered the method in time and after investigation decided to overlook the bidders and placed the order with the Whitaker Desk Company the entire order covering the proposed amount will bring the purchase price to \$1800, delivered in this city.

The new desks are regarded as the best manufactured and will be a fine piece of furniture to go with the new building. As the Board reserved the right to reject any and all bids those who were shut out have no complaint to make. The delivery of the desks will probably be made within thirty days.

## Oil Excitement in Lincoln.

At least thirty square miles of territory have been staked in claims in alleged oil districts near Indian Creek, Lincoln county and several outfits for boring are being installed. Experts claim the indications for developing flowing wells are favorable.

## A Chance for Sport.

Washoe Lake is frozen over from one end to the other. The ice in many places is thick enough to be safe and as smooth as a piece of glass. On the West side the best skating can be found as there is about a mile of the finest ice that can be imagined. With a few more nights of the cold spell the lake will be safe in every direction. At the present time there are a few air holes on the South and East side that do not look safe, but there is plenty of good skating to be found close to the shore, and there should be some excellent sport offered the people in a few days. Should Sunday be a bright day there will be a number of parties visit the lake to indulge in the winter pleasure.

## Stricken With Paralysis.

J. J. Linn, one of the best known citizens of Nevada, is reported to be dying at his home, 509 Lake street. Mr. Linn was stricken with paralysis last Sunday and since that time his family and physicians have been at his bedside making every effort to prolong the spark of life. Last night his condition was not materially improved.

For many years Mr. Linn was deputy Warden at the state prison and was repeatedly elected justice of the peace of Reno. For a number of years his health has been failing.—Journal.

New lines of footwear are arriving daily at Ed. Burlington's Shoe Store. He has been considering the delay in freight and the shoes are arriving daily. You will find the best and best lines of shoes ever tried in his store and prices are always the lowest. You can save money by purchasing footwear at his store.

## Stoves, Ranges, Heaters

All Styles Sizes and Prices

Ed. J. Walsh

## FALL and WINTER Stock

Seasonable Suits Underwear, Neckties, Gloves and all classes of Goods to meet the requirements of patrons Agent for the Continental Tailors

We take your measure and guarantee a fit  
**Joe Platt** "The Pioneer Clothier"  
County Building

## The Autumn Hunting



does not include footwear in its possibilities. With our large and varied line of Fall shoes of every description, the foot does not need to hunt for a shoe to fit it. The shoe you need is right here in our store. Give us the style you desire, number and width, and the rest is easy.

**Ed. Burlington's**  
**Exclusive Shoe Store**

## If You are Looking for an Overcoat for Fall or Winter



at a moderate price that is fashionably perfect in every detail, come and look over our large stock of smart models. Here you will see every new style in all the finest overcoatings at prices that will positively appeal to you. In our collection you will find a large assortment of

**MICHAELS-STERN**  
**FINE OVERCOATS**

which in cut finish and fit are with out rival for the price.

**Men's and Young Men's Top**

Coats at \$10 to \$30. Short top coats of covert, in fashionable colorings and Scotch cheviots in handsome weaves, and medium length models made of Oxford and black unfinished worsteds and cheviots with silk-faced lapels or silk-lined throughout. Exquisitely tailored.

**"Cravenette" Rain Coats \$15 to \$30**  
Both plain and belted styles, made of genuine Priestley's "Cravenette" fabrics, the only perfect water proof materials, in plain and fancy weaves of light and dark colorings; smart and stylish for clear weather as well as a perfect Rain Coat when it rains.

We've got your size ready for you to wear out of the store. And you can be absolutely sure of the rightness of the style, finish and fit and that you've got a full dollar's worth of value for every dollar you pay us.

**THE EMPORIUM** Carson City Ne

## Once Bitten, Twice Shy.



Once a man gets bitten he's always shy of the biter. If you've been bit in the clothes, it's a wise idea to give a wide berth to the one who bit you. Try the famous reputation for making and keeping friends. If you have been disappointed in your clothes, let the International Tailoring Co. of New York, Chicago and San Francisco, up-raise you to the standard of good workmanship and guaranteed satisfaction. One suit from them will make you feel kindly towards all the world in general, and put you right in the line of your friends. Look, you know, are everything.

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